

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Advanced Television Systems and	)	MB Docket No. 87-268
their Impact Upon the Existing	)	
Television Broadcast Service	)	
	)	

**PETITION FOR RECONSIDERATION  
OF GEORGIA PUBLIC TELECOMMUNICATIONS COMMISSION**

Georgia Public Telecommunications Commission, licensee of noncommercial educational television Station WGTV(TV)/DT, Athens, Georgia, hereby requests reconsideration of the Commission's decision in its *Seventh Report and Order and Eighth Further Notice of Proposed Rule Making* in the above-captioned proceeding ("*Seventh Report and Order*")<sup>1</sup> denying GPTC's request to modify the final DTV Table of Allotments ("Appendix B") to change the antenna azimuth pattern and slightly increase the ERP from 15.6 kW to 18 kW so that Station WGTV(DT) could replicate the coverage of its NTSC facilities.

On January 25, 2007, GPTC filed comments in response to the *Seventh Further Notice of Proposed Rule Making*,<sup>2</sup> indicating that the proposed parameters for Station WGTV(DT) on Appendix B were incorrect. Specifically, GPTC explained that it has certified that it would operate Station WGTV(DT) post-transition based on the station's allotted replication facilities.

---

<sup>1</sup> *In re Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Seventh Report and Order and Eighth Further Notice of Proposed Rule Making, MB Docket No. 87-268, FCC 07-138, ¶ 70 (rel. Aug. 6, 2007).

However, the proposed parameters for Station WGTV(DT) on Appendix B would not allow the station to replicate the coverage of its NTSC facilities because (1) the specified ERP of 15.6 kW is too low, and (ii) the specified antenna is directional, while Station WGTV's antenna is omnidirectional. GPTC explained that in order to replicate the coverage of Station WGTV, the ERP must be 18 kW and the antenna must be omnidirectional.<sup>3</sup>

In the *Seventh Report and Order*, the Commission granted several requests to modify the coverage area in the proposed DTV Table so long as the modifications (1) met the 0.1 percent interference standard or (2) would cause more than 0.1 percent new interference but the affected station agreed to accept the interference.<sup>4</sup> However, the Commission denied GPTC's request with respect to Station WGTV(DT) on the grounds that the proposed changes would cause 0.19 percent new interference to Station WCIQ(DT), Mount Cheaha, Alabama and GPTC had not received the consent of Station WCIQ(DT) to accept this interference.<sup>5</sup>

As demonstrated in the attached letter, Alabama Educational Television Commission, the licensee of Station WCIQ(DT), has consented to accept the interference that the Commission predicts would be caused to the Station by the post-transition operation of Station WGTV(DT) as proposed in GPTC's Comments to the *Seventh Further Notice*. The Commission has indicated that it would grant proposals to modify a station's coverage area on the final Appendix B so long as a station predicted to receive more than 0.1 percent interference as a result of the changes

---

Footnote continued from previous page

<sup>2</sup> *In re Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Seventh Further Notice of Proposed Rule Making, 21 FCC Rcd 12,100 (2006) ("*Seventh Further Notice*").

<sup>3</sup> See Comments of Georgia Public Telecommunications Commission, MB Docket No. 87-268 (filed Jan. 25, 2007).

<sup>4</sup> *Seventh Report and Order*, ¶ 66.

<sup>5</sup> *Seventh Report and Order*, ¶ 70.

agreed to accept such predicted interference.<sup>6</sup> By filing the letter from Alabama Educational Television Commission, GPTC has satisfied the Commission's standard and is entitled to the requested changed to Station WGTW(DT)'s Appendix B facilities.

Moreover, if GPTC is required to wait until the application process to implement the correct antenna for Station WGTW(DT)'s post-transition operations, Station WGTW(DT) will not be able to operate with sufficient power to replicate its NTSC facilities. Rather, because of the ongoing filing freeze on applications proposing expanded coverage areas,<sup>7</sup> GPTC would have to apply for a significantly reduced ERP in order to use Station WGTW(TV)'s omnidirectional antenna for post-transition DTV operations on Channel 8. Given that Station WGTW is GPTC's flagship station, GPTC is very concerned about a prolonged period of uncertainty regarding Station WGTW(DT)'s operating parameters and the possibility of losing a significant amount of viewership that would result if these issues are not resolved until the application phase. In addition, under the comprehensive construction plan for GPTC's nine DTV stations, Station WGTW is one of the first stations scheduled for construction. Delayed resolution of these issues until the application phase could impede GPTC's overall progress in promptly completing construction of its nine DTV stations.

---

<sup>6</sup> *Seventh Report and Order*, ¶ 66.

<sup>7</sup> See "Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes," Public Notice, 19 FCC Rcd. 14810 (MB 2004). The Commission has proposed that the current filing freeze would remain in place during the application process for post-transition construction. *In re Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Notice of Proposed Rulemaking, MB Docket No. 07-91, FCC 07-70, ¶¶ 97-99 (rel. May 18, 2007).

Accordingly, GPTC hereby requests that the Commission reconsider paragraph 70 of the *Seventh Report and Order* and grant GPTC's request to increase Station WGTV(DT)'s ERP to 18 kW and specify an omnidirectional antenna pattern on the final Appendix B.

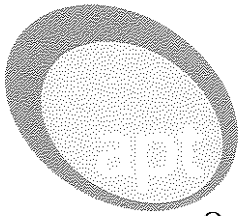
Respectfully submitted,

/s/ Theodore D. Frank

Theodore D. Frank  
Special Assistant Attorney General  
Counsel for Georgia Public  
Telecommunications Commission

Arnold & Porter LLP  
555 Twelfth Street, N.W.  
Washington, DC 20004  
Telephone: (202) 942-5790  
Facsimile: (202) 942-5999  
Email: theodore.frank@aporter.com

October 25, 2007



LEARN SOMETHING NEW EVERY DAY

October 11, 2007

Ms. Nancy G. Hall  
Interim Executive Director  
Georgia Public Telecommunications Commission  
260 14<sup>th</sup> Street, N.W.  
Atlanta, GA 30318-5360

Re: Interference to Station WCIQ, Mount Cheaha, Alabama

Dear Nancy:

I am writing in response to your request that Alabama Educational Television Commission ("AETC") consent to the interference which will be caused to Station WCIQ(DT), Channel 7, by Georgia Public Telecommunications Commission's ("GPTC") proposal to modify the final DTV allotment for Station WGTV(DT), Athens, Georgia. Specifically, GPTC has requested that Station WGTV-DT be permitted to operate on its assigned Channel 8 with an omni directional antenna and with a maximum ERP of 18 kW, rather than the directional antenna specified by the FCC in the final DTV Table of Allotments adopted in the Seventh Report and Order in *In re Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service*, MB Docket No. 87-268, FCC 07-138 (released August 6, 2007) ("*Seventh Report and Order*").

You have advised that GPTC's proposal is predicted to result in Station WGTV(DT) causing new interference to 0.19% of the population served by Station WCIQ. This letter confirms that AETC is willing accept such interference, should it occur.

We understand that you will be filing this letter with the FCC in connection with your petition for reconsideration of paragraph 70 of the FCC's *Seventh Report and Order*, seeking the FCC to change the Final DTV Table of Allotments for Station WGTV as described above.

Sincerely,

Allan A. Pizzato  
Executive Director

ALABAMA PUBLIC TELEVISION

2112 11TH AVENUE SOUTH | SUITE 400 | BIRMINGHAM, AL 35205-2884

[www.aptv.org](http://www.aptv.org)

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Advanced Television Systems	)	
and Their Impact upon the	)	MB Docket No. 87-268
Existing Television Broadcast	)	
Service	)	
	)	

**COMMENTS OF  
GEORGIA PUBLIC TELECOMMUNICATIONS COMMISSION**

Georgia Public Telecommunications Commission ("GPTC"), licensee of noncommercial educational television Stations WGTV, Athens, Georgia; WVAN-TV, Savannah, Georgia; and WMUM-TV, Cochran, Georgia, hereby submits these Comments pursuant to paragraph 16 of the Commission's *Seventh Further Notice of Proposed Rule Making* ("*Seventh Further Notice*")<sup>1</sup> in the above-captioned proceeding. These Comments correct certain data concerning Stations WGTV, WVAN-TV, and WMUM-TV contained in Exhibit B of the *Seventh Further Notice*. The corrections are set forth below.

**Station WGTV, Facility ID No. 23948:** Exhibit B indicates that Station WGTV will operate on DTV Channel 8 with an ERP of 15.6 kw and Antenna ID 74366 at a HAAT of 305 meters. The information as to Station WGTV's ERP and Antenna ID is incorrect.

---

<sup>1</sup> *In re Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Seventh Further Notice of Proposed Rule Making, FCC 06-150, (rel. Oct. 20, 2006).

In its Form 381 for WGTW, File No. BCERET-20041105ABW, GPTC certified that it would operate its post-transition DTV station based on its allotted replication facilities. The existing DTV Table of Allotments, as amended, specifies operation on DTV Channel 12 with an ERP of 16 kW at a HAAT of 305 m.<sup>2</sup> As the attached Engineering Statement of William Godfrey, of Kessler & Gehman Consulting Engineers ("Engineering Statement") indicates, the facilities specified in Exhibit B would not replicate the coverage of WGTW because (i) the specified ERP is too low and (ii) the specified antenna is directional, while WGTW's antenna is omnidirectional. To replicate the coverage of WGTW, the ERP must be 18 kW and the antenna must be omnidirectional.

Requiring GPTC to operate WGTW-DT with an ERP of 15.6 kW and a directional antenna would deprive at least 144,305 viewers of the noncommercial educational programming broadcast on WGTW, as well as the advanced services that will be provided. It will also deprive GPTC, which depends on viewer support for a significant portion of its operating budget, of the potential financial contributions of these would-be former viewers, as well as subjecting GPTC to the additional expense of the directional antenna. As shown in the attached Engineering Statement, these results, which would be contrary to the public interest, can be avoided by allotting WGTW-DT an ERP of 18 kW using an omnidirectional antenna, allowing it to replicate the existing WGTW NTSC facilities.

Accordingly, GPTC requests that the Commission correct Exhibit B to specify an ERP of 18 kW and an omnidirectional antenna for Station WGTW.

---

<sup>2</sup> *In re Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Athens, Georgia)*, Report and Order, 17 FCC Rcd. 13671 (2002).

**Station WVAN-TV, Facility ID No. 23947:** Exhibit B indicates that Station WVAN-TV will operate on DTV Channel 9 with an ERP of 9.72 kw and Antenna ID 74979 at a HAAT of 293 meters. The information as to Station WVAN-TV's ERP and Antenna ID is incorrect.

In its Form 381 for WVAN-TV, File No. BCERET - 20041105ABS, GPTC certified that it would operate its post-transition DTV station based on its allotted replication facilities. The existing DTV Table of Allotments, as amended, specifies operation on DTV Channel 13 with an ERP of 10 kW at a HAAT of 293 m.<sup>3</sup> As the attached Engineering Statement shows, the facilities specified in Exhibit B would not replicate the coverage of WVAN-TV because (i) the specified ERP is too low and (ii) the specified antenna is directional, while WVAN-TV's antenna is omnidirectional. To replicate the coverage of WVAN-TV, the ERP must be 20 kW and the antenna must be omnidirectional.

Requiring GPTC to operate WVAN-DT with an ERP of 9.72 kw and a directional antenna would deprive at least 87,309 viewers of the noncommercial educational programming broadcast on WVAN-TV, as well as the advanced services that will be provided. It will also deprive GPTC, which depends on viewer support for a significant portion of its operating budget, of the potential financial contributions of these would-be former viewers, as well as subjecting GPTC to the additional expense of the directional antenna. As shown in the attached Engineering Statement, these results, which would be contrary to the public interest, can be avoided by allotting WVAN-DT an ERP of 20 kW using an omnidirectional antenna, allowing it to replicate the existing WVAN-TV NTSC facilities.

---

<sup>3</sup> *In re Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Wrens, Savannah, Waycross, Dawson, and Pelham, Georgia)*, Report and Order, 17 FCC Red. 15424 (2002).



Accordingly, GPTC requests that the Commission correct Exhibit B to specify an ERP of 20 kW and an omnidirectional antenna for Station WVAN-TV.

**Station WMUM-TV, Facility ID No. 23935:** Exhibit B indicates that Station WMUM-TV will operate on DTV Channel 7 with an ERP of 22 kw and an unspecified antenna at a HAAT of 369 meters. The construction permit for Station WMUM-TV, File No BPEDT-20000425AAQ, specifies Antenna ID 32779 (Dielectric TF-2HT). GPTC brings this omission in Exhibit B to the attention of the Commission for correction.

### **Conclusion**

For the reasons given above, GPTC requests that the Commission correct Exhibit B to the *Seventh Further Notice* to specify an ERP of 18 kW and an omnidirectional antenna for Station WGTW, an ERP of 20 kW and an omnidirectional antenna for Station WVAN-TV, and the correct Antenna ID for Station WMUM-TV.

Respectfully submitted,



Theodore D. Frank  
Arnold & Porter LLP  
555 Twelfth Street, N.W.  
Washington, DC 20004  
Special Assistant Attorney General  
Counsel for Georgia Public Telecommunications  
Commission

January 25, 2007

**ENGINEERING TECHNICAL STATEMENT PREPARED BY WILLIAM T. GODFREY, JR.  
OF THE FIRM KESSLER AND GEHMAN ASSOCIATES, INC., TELECOMMUNICATIONS  
CONSULTING ENGINEERS IN CONNECTION WITH THE SEVENTH FURTHER  
NOTICE OF PROPOSED RULE MAKING REGARDING THE PARAMETERS  
ASSIGNED IN THE PROPOSED DTV TABLE OF ALLOTMENTS FOR THE GEORGIA  
PUBLIC TELECOMMUNICATIONS COMMISSION POST-TRANSITION DIGITAL  
TELEVISION BROADCAST FACILITY, WGTV-DT CHANNEL \*8, ATHENS, GA.**

The firm Kessler and Gehman Associates, Inc. was retained by the Georgia Public Telecommunications Commission (GPTC), Atlanta, Georgia to review the WGTV-DT Channel \*8 post-transition facility's technical parameters assigned in the FCC's proposed DTV Table of Allotments contained in the Seventh Further Notice of Proposed Rule Making (7<sup>th</sup> FNPRM) and to prepare comments for filing if detailed engineering studies reveal inaccuracies with respect to the proposed technical parameters.

**Discussion**

GPTC is licensed to operate the WGTV-TV Channel \*8 analog facility with a maximum effective radiated power (ERP) of 316 kW with an antenna height radiation center of 326 meters above average terrain (AAT) using an Andrew model ATW16V3-DTO-S-8 nondirectional antenna. GPTC currently has a construction permit authorizing the WGTV-DT Channel \*12 facility to operate with a maximum ERP of 16 kW (BMPEDT20020923ABE) with an antenna height radiation center of 304 meters AAT using a Dielectric model THA-S4-12/48-1 directional antenna.

Each DTV channel allotment was chosen by the FCC to best match the Grade B contour of the NTSC station with which it was paired. From the beginning, GPTC's plan for WGTV was to revert back to its NTSC channel for post-transition digital operation using full "NTSC" replication facilities. Accordingly, GPTC elected "replication" in its Pre-Election Certification application based on its NTSC facility.

The FCC released the 7<sup>th</sup> FNPRM on October 20, 2006 which included the proposed DTV Table of Allotments (TOA). In the 7<sup>th</sup> FNPRM, it states that interested parties may file comments on or before January 11, 2007 with respect to the proposed DTV Table and asks that licensees review the accuracy of their information contained in the proposed DTV Table, including comments on any inaccuracies or discrepancies. The FCC also stated in the 7<sup>th</sup> FNPRM that it believes that its proposed new DTV Table is the result of informed decisions by licensees when making their channel elections and that licensees benefited from the clarity and transparency of the channel election process. However, the clarity of the Channel Election process is in doubt for GPTC because it elected “replication” in its Pre-Election Certification Form and the technical parameters depicted in the proposed DTV TOA for the WGTV-DT Channel \*8 post-transition facility fall well short of NTSC replication.

Referring to Exhibit 1, it can be seen that the proposed DTV TOA facility’s protected F(50,90) 36.0 dBuV/m noise limited contour for the WGTV-DT facility (red contour) would replicate the authorized facility’s protected F(50,90) 36.0 dBuV/m noise limited contour (green contour); however, it would fall well short of replicating its licensed analog F(50,50) 56.0 dBuV/m Grade B contour (blue dashed contour). The parameters assigned in the proposed DTV TOA for WGTV-DT would result in an estimated minimum service population loss of 144,305 persons which does not take into consideration the additional losses of the population currently served outside the Grade B contour. The proposed parameters in the DTV TOA would result in the loss of seven cities in the surrounding Atlanta, GA area that are currently served within the licensed WGTV-TV Grade B contour.

The FCC informed GPTC that it calculates post-transition DTV operation based on the NTSC ERP for stations electing to go back to NTSC channels. Therefore, the core of all decisions acted upon by GPTC with respect to the DTV transition, which includes the Pre-Election Certification application and the First Round Channel Election application, were entirely based on the certainty that the WGTV post-transition DTV facility would carry-over the Grade B coverage that it is currently licensed to serve to the public. Referring to Exhibit 2, it can be seen that the red F(50,90) 36.0 dBuV/m noise limited contour, representing the Final DTV

TOA for the post-transition WGTB-DT Channel \*8 facility, would fully replicate the WGTB-TV Channel \*8 Grade B contour with a maximum ERP of 18 kW using a nondirectional antenna. Therefore, GPTC respectfully requests that the assigned ERP in the proposed DTV TOA be changed from 15.6 kW to 18 kW and the assigned antenna azimuth pattern be changed from direction to nondirectional so that it can serve the population now served with its licensed analog facility.

In conclusion, GPTC requests that the ERP assigned to the WGTB-DT Channel \*8 post-transition facility in the proposed DTV TOA be changed to 18 kW and the assigned antenna azimuth pattern be changed from direction to nondirectional so that WGTB will be able to serve the population its NTSC facility currently serves. The 15.6 kW ERP assigned to WGTB in the proposed DTV TOA would result in thousand of viewers losing service which would not be in the public's best interest and could actually result in unfavorable reviews from the public with respect to digital television service.

### **Certification**

This technical statement was prepared by William T. Godfrey, Jr., Telecommunications Technical Consultant with Kessler and Gehman Associates, Inc. having offices in Gainesville, Florida and has been working in the field of radio and television broadcast consulting since 1998. He graduated from the University of North Florida with a Bachelor of Arts degree in Criminal Justice and a minor in Mathematics in 1993. As a Professional in the field of Telecommunications he states under penalty of perjury that the information contained in this report is true and correct to the best of his knowledge and belief.

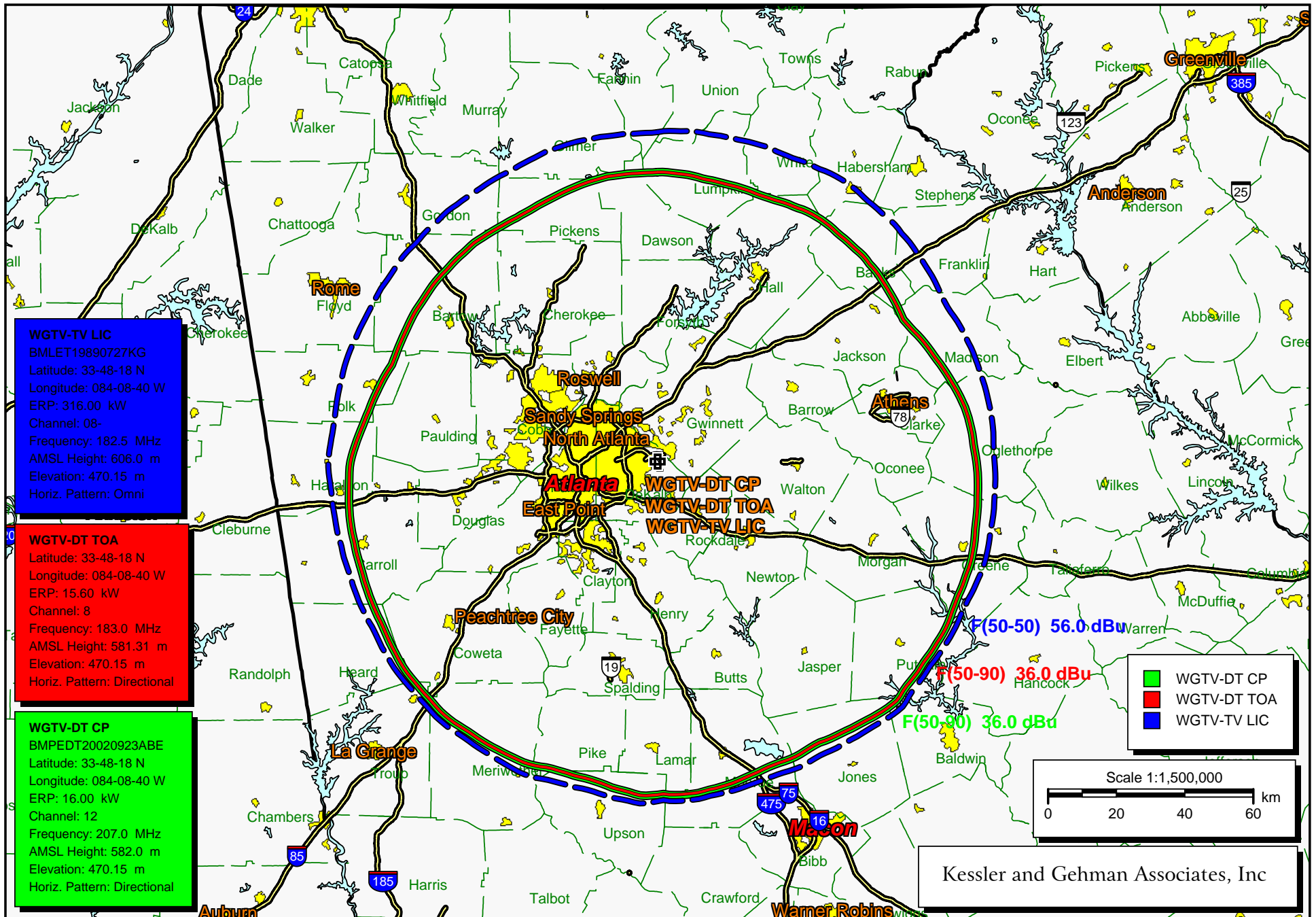
The logo consists of the letters 'KGA' in a stylized, serif font. The 'K' and 'G' are connected, and the 'A' is separate. The letters are white with a black outline. They are positioned above a thick, solid black horizontal line.

KESSLER AND GEHMAN ASSOCIATES, INC.

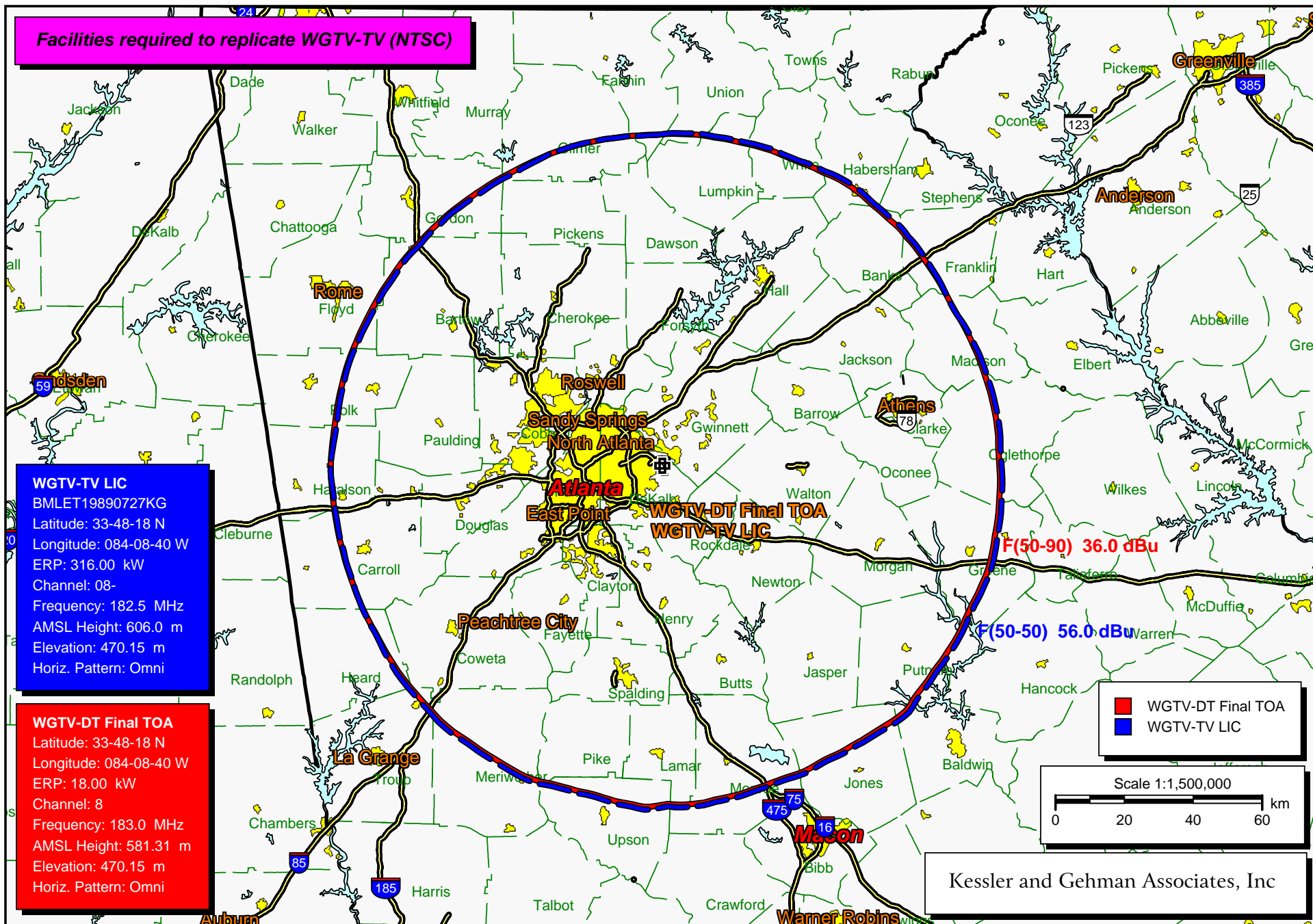
A handwritten signature in blue ink. The signature is cursive and reads 'William T. Godfrey, Jr.'. It is written over a thick, solid black horizontal line.

WILLIAM T. GODFREY, JR.  
Telecommunications Technical Consultant

5 January, 2007



WGTV-DT Proposed DTV Table of Allotments Verification



WGTV-DT replicates NTSC with an ERP of 18 kW and omni antenna

EXHIBIT 2